IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION Nos.1466 and 14856 of 2001

W.P.No.1466 of 2001:

Between:

Smt M.Aruna, W/o.K.Sankar Rao,

Hindu, aged 37 yuears, working as

B.Ed Asst. St. Anns Girls High School,

Macherla, Guntur District. **..... PETITIONER**

AND

1.Government of A.P. rep. by its Secretary,

Education Dept., Secretariat, Hyderabad.

2.Director of School Education, Govt. of A.P.,

Hyderabad.

3.St.Ann's Girls High School, by its

Correspondent, Macherla, Guntur Dist. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issuer an appropriate writ, order or direction more particularly one in the nature of

Writ of Mandamus directing the 1st and 2nd respondents to release the arrears of grant-in-aid of Rs.66,937/- as assessed by the auditors deputed by the 2nd respondent to the post of B.Ed Asst. held by the petitioner in the 3rd respondent institution covering the period from 1-8-1986 to 31-10-1989 forthwith and pass such other orders as the Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: M/s N.K.ANNAPURNA DEVI

Counsel for the Respondents: G.P. FOR SCHOOL EDUCATION

W.P.No.14856 OF 2001:

Between:

V.Swarajya Lakshmi, W/o.V.Subbaiah Sastry,

Aged about 55 years, Headmistress,

C.K.Girls High School, Mangalagiri,

Guntur. **..... PETITIONER**

AND

1.Government of A.P. rep. by its Secretary,

Education Dept., Secretariat, Hyderabad.

2.Director of School Education,

Andhra Pradesh, Hyderabad.

3.The District Educational Officer, Guntur.

4.The Correspondent, C.K.Girls High School,

Mangalagiri, Guntur District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ , order or direction more in the nature of Mandamus declaring that the post of Headmistress in C.K.Girls High School, Mangalagiri, Guntur District is deemed to have been admitted to grant-in-aid with effect from 1-9-1985 as per G.O.Ms.No.426, Edn., dated 22-9-1986 and consequently hold that the petitioner is entitled for payment of salaries in grant-in-aid post of Headmistress during the interrugnum period from 1-3-1987 to 31-10-1989 on the strength of similar orders issued in G.O.Ms.No.144, dated 4-11-2000 with all consequential benefits by holding the action of the respondents in not paying the salaries of the petitioner in grant-in-aid post of Headmistress during the period from 1-3-1987 to 31-10-1989 is as illegal, arbitrary, discriminatory, and sub versive of Articles 14, and 21 of the Constitution and pass such other as this Hon'ble Court may deem fit.

Counsel for the Petitioner: MR.D.LINGA RAO

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following :

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COMMON ORDER:

The petitioner in W.P.No.1466 of 2001 is working in St.Ann's Girls High School, Guntur and the petitioner in W.P.No.14856 of 2001 is working in C.K.Girls High School, Guntur. Both the petitioners were appointed as B.Ed Assistant and Secondary Grade Assistant in the respondent-schools during the year 1986 and 1972 respectively and later on they were promoted.

It is stated by the learned Counsel for the petitioners that the schools in which the petitioners are working are due to be admitted to grant-in-aid, with effect from 1.9.1985. It is further stated that the petitioner in W.P.No.1466 of 2001 is working as B.Ed Assistant with effect from 1-8-1986 and the petitioner in W.P.No.14856 is working as B.Ed Assistant with effect from 1-3-1987. It is further stated that both the petitioners were paid salaries in respect of the aided post from 1-11-1989 onwards only. Thus, they are seeking arrears from the date of their joining till 31-10-1989.

It is submitted by the learned Counsel for the petitioners that the controversy raised in a similar writ petition was already resolved by this Court in W.P.No.28532 of 1996, dated 27-3-1997, which was also affirmed by the Supreme Court in Civil Appeal No.2422 of 1997, dated 7-8-2000, and consequential orders were also issued by the Government vide G.O.Rt.No.144, EDUCATION (PS-2) DEPARTMENT, dated 4-11-2000. However, the benefit of the said order has not been extended to the petitioners on the ground that the petitioners have not approached this Court along with others.

I have gone through the Judgment of the Supreme Court in Civil Appeal No.2422 of 1997 and also the G.O.Rt. No.144 dated 4-11-2000. Once the Government had issued an order, the petitioners are also entitled for the same benefit and the respondents cannot deny the same to the petitioners.

Having regard to the facts and circumstances of the case, the respondents are directed to extend the benefit of G.O.Ms.No.144 dated 4-11-2000 to the petitioners also, if they are otherwise eligible.

Writ Petitions are accordingly disposed of. No order as to costs.

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26th July, 2004

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To:

1.The Secretary,Education Dept.,

Government of A.P.,Secretariat, Hyderabad.

2.The Director of School Education, Govt. of A.P.,

Hyderabad.

3.The Correspondent,

St.Ann’s Girls High School,

Macherla, Guntur Dist.

4.The District Educational Officer, Guntur.

5.The Correspondent, C.K.Girls High School,

Mangalagiri, Guntur District.

6.Two CCs to the G.P. for School Education,

High Court Buildings, Hyderabad (O.U.T)

7.Two CD copies.